

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|-----------------------------|---|-----------------|
| ROY LANGBORD, et al., | : | |
| Plaintiffs, | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| UNITED STATES DEPARTMENT OF | : | |
| THE TREASURY, et al., | : | NO. 06-CV-05315 |
| Defendants. | : | |

ORDER

AND NOW, this 28th day of July 2009, upon consideration of Defendants' Motion for Partial Summary Judgment on Plaintiffs' Illegal Seizure and Due Process Claims (Doc. No. 60), Plaintiffs' Response in Opposition thereto (Doc. No. 66), Defendants' Reply in Support thereof (Doc. No. 73), Plaintiffs' Sur-reply in Opposition thereto (Doc. No. 76), Defendants' Supplemental Statement of Undisputed Facts in Support thereof (Doc. No. 104), Plaintiffs' Motion for Partial Summary Judgment on Plaintiffs' Due Process and Illegal Seizure Claims (Doc. No. 77), Defendants' Response in Opposition thereto (Doc. No. 83), Plaintiffs' Reply in Support thereof (Doc. No. 93), Defendants' Motion for Partial Summary Judgment Concerning the Applicability of the Civil Asset Forfeiture Reform Act ("CAFRA") to the 1933 Double Eagles (Doc. No. 67), Plaintiffs' Response in Opposition thereto (Doc. No. 78), the Professional Numismatists Guild's ("PNG") Amicus Brief in Opposition thereto (Doc. No. 103), Plaintiffs' Cross-Motion for Partial Summary Judgment Concerning the Applicability of CAFRA to the 1933 Double Eagles (Doc. No. 78), Defendants' Response thereto (Doc. No. 85), Plaintiffs' Reply in Support thereof (Doc. No. 95), Defendants' Motion for Summary Judgment on Plaintiffs' Replevin and Conversion Claims (Doc. No. 102), Plaintiffs' Response in Opposition

thereto (Doc. No. 105), and Defendants' Reply in Support thereof (Doc. No. 107), it is hereby

ORDERED as follows:

1. Defendants' Motion for Partial Summary Judgment on Plaintiffs' Illegal Seizure and Due Process Claims (Doc. No. 60) is DENIED;
2. Plaintiffs' Motion for Partial Summary Judgment on Plaintiffs' Due Process and Illegal Seizure Claims (Doc. No. 77) is GRANTED in part and DENIED in part. The Motion is GRANTED with respect to Plaintiffs' Due Process and Illegal Seizure claims. The Motion is DENIED with respect to Plaintiffs' Administrative Procedure Act claim.
3. Defendants' Motion for Partial Summary Judgment Concerning the Applicability of the Civil Asset Forfeiture Reform Act ("CAFRA") to the 1933 Double Eagles (Doc. No. 67) is GRANTED;
4. Plaintiffs' Cross-Motion for Partial Summary Judgment Concerning the Applicability of CAFRA to the 1933 Double Eagles (Doc. No. 78) is DENIED;
5. Defendants shall initiate a judicial forfeiture proceeding concerning the 1933 Double Eagles as part of this action on or before Monday, September 28, 2009; and
6. Defendants' Motion for Summary Judgment on Plaintiffs' Replevin and Conversion Claims (Doc. No. 102) is DENIED without prejudice with leave to reinstate upon written request by Defendants following the conclusion of the judicial forfeiture proceeding.

BY THE COURT:

/S/LEGROME D. DAVIS

Legrome D. Davis, J.